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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,064	02/14/2001	Tetsuro Motoyama	194539US-2	1821

22850 7590 05/05/2005

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EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,064

Applicant(s)

MOTOYAMA ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/05, 11/04+
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in responses to Amendment filed 11/22/2004.
2. Claims 1-24 are pending. Applicants amended claims 1, 9 and 17. Claims 1, 9 and 17 are independent claims.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Agatone et al. US Patent No. 5,852,744 issued 12/22/1998 filed 06/18/1996 (hereinafter Agatone), in view of Guck US Patent No. 5,911,776 issued 06/15/1999 filed 12/18/1996 (hereinafter Guck).**

, In regard to independent claim 1, receiving from a first one of the plurality of target applications through an interface, by a monitoring device in the application unit, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination (as taught by Agatone at col. 1, lines 10-60, wherein printer management configuration and control in a computer network environment. More particularly, the present invention relates to locating or "discovering" a printer device on a network, determining and tracking the (status of the discovered printer device, and deciding when the discovered printer device terminates or no

longer provides services on the network, deciding right destination in the object-oriented analysis and design);

Agatone does not explicitly teach, **through a first communication protocol using a first data format, and receiving from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol**, however (as taught by Guck at col. 1, lines 25-47, wherein automatic systems and methods for efficiently enabling the text or graphics created by an author to be converted to other formats suitable for other client users and also for telephone receipt, fax receipt or interactive voice and mail receipt without the need for laborious steps for each type of format conversion required from the original author's text or graphics, such type of networks with multiple numbers of connected clients, wherein the particular types of content that providing the delivery format protocol, such as communicate with FAX machines and telephones, in addition to E-Mail, again, there are specialized formats and protocols that are required to enable these types of communications to take place with these specialized appliances or terminals).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and

different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 2, wherein the first data format includes one of text format, binary format, comma separated format and XML format (as taught by Guck at col. 2, lines 40-50); and the first communication protocol includes one of, File Transfer Protocol (as taught by Guck at col.2, lines 40-45).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 3, wherein the first data format is different from the second data format (as taught by Guck at col.1, lines 40-45, still another object of the present invention is to provide an Interface networks with multiple numbers of connected clients, wherein many of the client stations are limited to particular types of content format protocol

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delivery. Further, when it is desired to communicate with FAX machines and telephones, in addition to E-Mail, again, there are specialized formats and protocols that are required to enable these types of communications to take place with these specialized appliances or terminals).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 4, formatting the first information into first formatted data according to the first data format; sending the first formatted data to the first predetermined destination through the first communication protocol; formatting the second information into second formatted data according to the second data format; and sending the second formatted data to the second predetermined destination through the second communication protocol (as taught by Guck at col. 1, lines 25-47, automatic systems and methods for efficiently enabling the text or graphics created by an author to be converted to other formats suitable for other client users and also for telephone receipt, fax receipt or interactive voice and mail receipt without the need for laborious steps for each type of format conversion required from the original author's text or graphics. wherein the particular types of

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content that providing the delivery format protocol, such as communicate with FAX machines and telephones, in addition to E-Mail, again, there are specialized formats and protocols that are required to enable these types of communications to take place with these specialized appliances or terminals).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 5, wherein the step of formatting the first information includes creating a first software class having a declared virtual function; creating a second software class derived from the first software class having a first definition of the declared virtual function; and creating a first formatted information software object (as taught by Guck at col.13, lines 45-55, virtual File is represented as an "object" within a hierarchy whose classification reflects the file's purpose (which is largely a statement of the file's type), as illustrated in the VMFS to denote the Virtual Multimedia File System. The VMFS provides actualization for the "author once/publish many").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 6, incorporate substantially similar subject matter as cited in claim 2 above, and is similarly rejected along the same rationale.

In regard to dependent claim 7, wherein the step of sending the first formatted data includes creating a third software class derived from the first software class having a second definition of the declared virtual function; and creating a first formatted data software object (as taught by Guck at col.13, lines 45-55, Virtual File is represented as an "object" within a hierarchy whose classification reflects the file's purpose (which is largely a statement of the file's type) as illustrated in the VMFS to denote the Virtual Multimedia File System. The VMFS provides actualization for the "author once/publish many").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and

different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine/appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to dependent claim 8, wherein the step of creating a first formatted data software object includes formatting first formatted data according to one of binary format and text format (as taught by Guck at col. 2, lines 50-57, ASCII denotes "American Standard Code for Information Exchange". It involves a binary code for text, as well as for communication and printer control. It is used for most communications and is the built-in character code of most mini-computers and personal computers. ASCII is a 7-bit code providing 128 character combinations. EBCDIC indicates "Extended Binary Coded Decimal Interchange Code". This is an 8-bit code having 256 combinations that stores one alpha-numeric character or two decimal digits in one byte. This binary code is used for text, for communications, and printer control).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine

/appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

In regard to claims 9-16 consecutively, are directed to a system for performing the method of claims 1- 8 consecutively, and are similarly rejected under the same rationale.

In regard to claims 17-24 consecutively, are directed to a computer readable medium for performing the method of claims 1-8 consecutively, and are similarly rejected under the same rationale.

Response to Argument

5. Applicant's Amendment and arguments filed 11/22/2004 have been fully considered but they are not persuasive. The reason for rejection is set forth in the rejection state above.

Reponses to argument claim 1, Remarks pages 9-11:

Applicant argues that Agatone fails to teach, **from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.** The Office respectfully disagrees; the reason is set forth in the previous rejection states above and further view of the following:

As described by Agatone at col. 1, line 1 through col. 2, line 67, still another object of the present invention provided SAP for identify network device existence, and the bi-directional communication protocol was established using SNMP and MIB, the communication between network-attached devices is made possible by creating channels, ports, or "sockets", where each socket defines a logical connection between a first device and a second device. In conjunction with OOA&D, wherein the OOA&D was approached for configuration and supported the MVC

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to view and control the behavior of the physical device (also referred to as user interface object), the MVC architecture is highly event driven which is existed in MS Windows operation system. The above mythology and system utilized a network broadcast message over a dedicated socket to provide the network-attached devices status information to encapsulate the task-to-task communication state information and to provide a virtual communication channel between the application and device, The above schema is used in the broadest sense here to encompass the claimed, **by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.** As should be understood by one skilled in the art, that a socket are guaranteed to send signals or messages to each other through user interface object, which could interpreted as claimed, **from a first one of the plurality of target applications through an interface.**

Reponses to argument claim 1, Remarks pages 11-12:

Applicant argues that Guck fails to teach, **a monitoring device and a target application in an appliance or device and a request to send information regarding monitored usage of a target application.** The Office respectfully disagrees; the reason is set forth in the previous rejection states above and further view of the following:

As described by Guck at col. 3, line 30 through col. 4, line 16, as seen in FIG. 1, still another object of the present invention is to provide server module with a mechanism that enables secure communications to occur between the clients. Further, the present system provides a means for communication between multi-users for sending data to different types of appliances using different formats and operating under different protocols, which is handled by

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the Server that permitted a single originator to communicate to multiple different types of recipient terminal appliances (e.g. telephone, FAX machines) and User-PC clients operating on different protocols. The above schema is used in the broadest sense here to encompass the claimed, **monitoring device and a target application in an appliance or device and a request to send information regarding monitored usage of a target application.**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified object-oriented analysis and design (OOA&D) for managing device in network protocol, such as printer taught by Agatone to include a means of automatic format conversion in the plurality of target applications with different format, and different communication protocol with different appliance or devices. One of the ordinary skill in the art would have been motivated to modify this combination to provide a network, wherein automatic format conversion enabling multiple communication protocol to be transmitted or received by different types of machine /appliances (e.g. fax, email, telephone, etc), while the process is handle (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20).

Therefor independent claims 1 remains rejected, which lead to the rejection of the analogous limitation recited in claims 9 and 17.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272- 4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

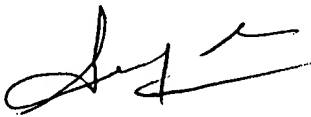
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran

Patent Examiner

Technology Center 2176

April 28, 2005


SANJIV SHAH
PRIMARY EXAMINER